

UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

CARI L LAMPSHIRE,  
Plaintiff,

Civ. No. 6:12-cv-1574-AA  
**TEMPORARY  
RESTRAINING ORDER**

v.

BANK OF AMERICA, NA,  
RECONTRUST COMPANY, NA,  
FEDERAL NATIONAL MORTGAGE  
ASSOCIATION aka FANNIE MAE,  
and MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC. aka  
MERS,

Defendants.

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AIKEN, Chief Judge:

Before the court is plaintiff's Ex Parte Motion for Temporary Restraining Order (doc. 3). Plaintiff contends that a non-judicial foreclosure of her residence located at 2457 Park View Drive, Eugene, Oregon is scheduled to occur on September 6, 2012. Pursuant to Fed. R. Civ. P. 65(b) and upon review of the Complaint, supporting memorandum, affidavit and exhibits:

THE COURT FINDS that plaintiff has raised serious questions with respect to the merits of her claims, in that defendants allegedly have not complied with the legal requirements for valid non-judicial foreclosure under Oregon law, and that certain assignments of interest and appointments have not been recorded or are otherwise void pursuant to Oregon and applicable law; and

THE COURT FURTHER FINDS that plaintiff likely will suffer irreparable harm if the non-judicial foreclosure of her residential property and home is allowed to proceed and that the balance of hardships tips in her favor, given that defendants may have other remedies available to them, such as judicial foreclosure, and will have the opportunity to establish their right to foreclose in this action; and

THE COURT FURTHER FINDS that the underlying legal issues cannot be resolved before the non-judicial foreclosure sale will occur or before defendants can be heard, and that the issuance of the temporary restraining order is in the public interest; and

THE COURT FURTHER FINDS that no security shall be required to support issuance of this order pursuant to Fed. R. Civ. P. 65(c), finding that security is not warranted in these circumstances.

Accordingly, IT IS HEREBY ORDERED that plaintiffs' Ex Parte Motion for Temporary Restraining Order (doc. 3) is GRANTED.

Pursuant to Fed. R. Civ. P. 65(d), defendants, their officers, agents, employees, attorneys, and other persons in active concert

or participation with defendants, are RESTRAINED and ENJOINED from conducting a non-judicial foreclosure sale of the property commonly known as 2457 Park View Drive, Eugene, Oregon.

This order shall expire at 5:00 p.m. on Tuesday, September 18, 2012, unless further extended by the court pursuant to Fed. R. Civ. P. 65(b)(2).

IT IS FURTHER ORDERED that the parties shall appear before Chief Judge Aiken by telephone on Tuesday, September 18, 2012 at 11:00 a.m., and defendants shall show cause, if any, why this restraining order should not be continued during the pendency of this action as a preliminary injunction. The court shall initiate the call. Plaintiff is ordered to comply with the requirements for service of the complaint and this order on the defendants prior to the hearing.

IT IS SO ORDERED.

Dated this 4<sup>th</sup> day of September, 2012.



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Ann Aiken  
United States District Judge